

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP

Attorneys and Counselors at Law

Michael J. Cunningham
Robert H. Iseman
Carol A. Hyde
Brian M. Culnan
Richard A. Frankel
Richard A. Mitchell
Karen E. Sosler
James P. Lagios
John F. Queenan
Joshua E. Mackey

Frederick C. Riester
Senior Counsel

9 Thurlow Terrace • Albany, NY 12203
Phone 518-462-3000 Facsimile 518-462-4199
www.icrh.com

2649 South Road • Poughkeepsie, NY 12601
Phone 845-473-8100 Facsimile 845-473-8777

Laurie K. Chisolm**
Penny M. Hahn
Marc A. Antonucci
Linda J. Turner*^o
Omer Gil
Frank P. Izzo
Michael W. Deyo
Michelle Almeida⁺
Brett A. Bush[†]

June 7, 2012

⁺Also Admitted in Connecticut
^oAlso Admitted in Massachusetts
^{*}Also Admitted in New Jersey
^{**}Also Admitted in Vermont
[†]Also Admitted in Virginia

Hon. Mae A. D'Agostino
U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

Re: UFP Atlantic Division, LLC v. Route 299 Retail Center, LLC, et al.
Case No. 1:12-cv-053 MAD/ATB

Dear Judge D'Agostino:

On behalf of UFP Atlantic Division, LLC ("UFP"), the plaintiff in the above action, I submit this status report pursuant to the Court's docket entry of May 30, 2012.

As noted by the Court, the time by which certain defendants were to have answered or otherwise appeared in this action has passed. The status of each defendant is summarized below.

Route 299 Retail Center, LLC, Highland Square Development LLC, Michael Barnett, and Denise Barnett, all represented by F. Charles Dayter, Esq. of Hiscock & Barclay LLP, filed their Amended Answer on April 5, 2012.

P. Sala & Sons Construction, Inc., represented by William W. Frame of Corbally, Gartland & Rappleyea LLP, filed its Answer on April 6, 2012.

Creighton Manning Engineering LLP ("Creighton Manning") was served on March 7, 2012, as evidenced by the Affidavit of Service filed with the Court on March 12, 2012 (a copy of which is attached). I have spoken with counsel representing Creighton Manning in other matters, who indicated that he will represent Creighton Manning in this action and that his client's answer is forthcoming. We agreed to extend the time for Creighton Manning to serve its responsive pleading, and do not seek the entry of default at this time.

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M&C of Dutchess, LLC ("M&C of Dutchess") was served on March 8, 2012, as evidenced by the Affidavit of Service filed with the Court on March 12, 2012 (a copy of which is attached).¹ In addition, on May 16, 2012, David Pisanelli, Esq. accepted service on behalf of M&C of Dutchess. A copy of Mr. Pisanelli's signed letter accepting service was filed with the Court today, and is attached.

M&C of Dutchess has not responded to Plaintiff's Amended Complaint. Mr. Pisanelli has informed us that his client does not intend to file an answer, and will not oppose the entry of default. Plaintiff intends to file an application for the entry of default by June 11, 2012.

Tectonic Engineering & Surveying Consultants, P.C. ("Tectonic") was served on March 7, 2012, as evidenced by the Affidavit of Service filed with the Court on March 12, 2012 (a copy of which is attached). Tectonic has not responded to Plaintiff's Amended Complaint or otherwise appeared in this action. Plaintiff intends to file an application for the entry of default against Tectonic by June 11, 2012.

Thank you for your time and consideration.

Respectfully Submitted,

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP



Michael W. Deyo (Bar Roll No. 516168)
Attorneys for Plaintiff

cc: via ECF to all counsel
John D. Hoggan, Jr., Esq.
David A. Pisanelli, Esq.
Tectonic Engineering & Surveying Consultants, P.C.

¹ Service was made upon M&C of Dutchess, Inc., sued herein as ("S/H/A") M&C of Dutchess, LLC.